UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 July 2003_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-24_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _13_ .   6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 07/09/2003 have been fully considered but they are not

persuasive. Please see the following reasons and the restated grounds of rejection below.

2.   Applicant argues "The Office action states...suggest the recited claim limitations" (page

9, paragraph 2 – page 10, paragraph 1). The argument is not persuasive because the references

are used in combination. The primary reference to Reichmeyer et al. (USPN 6,286,038) shows

the obtaining a management parameter that then facilitates the obtaining of configuration data.

This data is then used to configure the client. The secondary reference to Hunter is used to show

the common feature in the art of a management parameter being specifically an alert detection

parameter. The combination renders the claim obvious and the motivation for combination is

shown below.

3.   Applicant further argues "The cited passage merely...as recited in claims 1, 11, 19, and

22" (page 9, paragraph 3). The argument is not persuasive because the rules of Hunter are alert

detection parameters. They are provided by a server and allow the client to send exception

notification to the server (column 12, lines 3-10). The configuration parameters passed to

devices in the network allow them to determine and notify a central server when their peripherals

are operating out of "normal operating parameters" (abstract). This is an alert detection

parameter. Further, the Hunter reference is not relied upon to show "obtaining configuration

data from a remote proxy," this is shown in the primary reference.

4.   In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5.   All further arguments are not persuasive for the same reasons shown above.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1, 2, 5-17, 19, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Reichmeyer et al. in view of Hunter et al.

8.   Regarding claims 1, 19, and 22, Reichmeyer et al. teach a system for configuration of a

network device comprising:

    a. means for dynamically obtaining at least one management parameter from a first

        server (column 6, lines 7-13)

    b. means for dynamically obtaining configuration data from a remote proxy (here

        referred to as alert proxy) using the at least one obtained management parameter

        (column 6, lines 7-13; column 4, lines 38-43); and

    c. means for automatically configuring the client device using the dynamically obtained

        configuration data (column 12, lines 41-42)

Although the system disclosed by Reichmeyer et al. shows substantial features of the

claimed invention, it fails to disclose:

    a. means for dynamically obtaining at least one alert detection parameter from a first

        server

Nonetheless, this feature is well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al., as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a

server for client devices comprising:

    a. means for dynamically obtaining at least one alert detection parameter from a first

        server (column 4, lines 11-16).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. (USPN

6,286,038) by employing an alert detection parameter with the at least one management

parameter. This benefits the system by allowing the device to be easily monitored locally.

9.   Regarding claim 2, although the system disclosed by Reichmeyer et al. (as applied to

claim 1) shows substantial features of the claimed invention, it fails to disclose:

    a. means wherein the automatically configuring the client device using the dynamically

        obtained configuration data further comprises enabling the client device to detect

        alerts.

In an analogous art, Hunter et al. disclose a system for monitoring of client devices on a

network comprising:

    a. means wherein the automatically configuring the client device using the dynamically

        obtained configuration data further comprises enabling the client device to detect

        alerts (column 11, line 63 – column 12, line 10).

Given the teaching of Hunter et al., a person of ordinary skill in the art would have readily recognized the benefit of configuring the clients of Reichmeyer et al. to monitor and report on events. This benefits the system by allowing aberrant events or alerts to be reported to the central server or alert proxy.

10.   Regarding claim 5, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all the limitations as specified above. Reichmeyer et al. further teach a system wherein the first server operates according to a dynamic host control protocol (column 3, line 55 – column 4, line 30). The configuration information server is analogous to the first server of the claim.

11.   Regarding claim 6, Reichmeyer et al. discloses a system for network device configuration comprising:

    a.   means wherein the at least one management parameter is requested by the client device from the first server (column 4 lines 14-17).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

    a.   means wherein the at least one alert detection parameter is requested by the client device from the first server.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Reichmeyer, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

    a.   means wherein at least one alert detection parameter is requested by the client device from the first server (column 15, lines 11-14).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. by obtaining

the at least one alert detection and management parameter from a single, two logically, or two

physically separated servers. This benefits the system by separating functions onto separate

servers to increase efficiency and/or reliability.

12.   Regarding claim 7, the systems disclosed by Reichmeyer et al. and Hunter et al. teach all

the limitations as specified above. Reichmeyer et al. further teach a system wherein the at least

one alert detection parameter is requested by the client device using the options field of a

dynamic host control protocol (DHCP) message (column 4 lines 34-38).

13.   Regarding claims 8, 20, and 24, Reichmeyer et al. disclose a system for network device

configuration comprising:

   a.   means wherein dynamically obtaining by the client device the at least one alert

        detection parameter further comprises dynamically obtaining a configuration server

        address (column 6, lines 7-13).

Although the system disclosed by Reichmeyer et al. shows substantial features of the

claimed invention, it fails to disclose:

   a.   means wherein dynamically obtaining by the client device the at least one alert

        detection parameter further comprises obtaining at least one of an alert destination

        address, watchdog interval, and heartbeat interval.

Nonetheless, these features are well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

   a. means wherein dynamically obtaining by the client device the at least one alert detection and management parameter further comprises obtaining at least one of an alert destination address (column 11, line 63- column 12, line 10), watchdog interval, and heartbeat interval.

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer et al. by including the alert monitoring server address, or alert destination address, in the initial communication and configuration. This benefits the system by allowing the configured device to begin detecting and sending alerts without further configuration. Please note that any of a number of configuration values could be included.

14.   Regarding claim 9, Reichmeyer et al. disclose a system for network device configuration comprising:

   a. means wherein the configuration file address uniquely identifies the remote configuration file server on the network (column 6, lines 7-13; column 4, lines 38-43).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

   a. means wherein the alert destination file address uniquely identifies the remote alert proxy on the network.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

    a.   means wherein the alert destination file address uniquely identifies the remote alert proxy on the network (column 11, line 63 – column 12, line 10).

Given the teaching of Hunter, a person having ordinary skill in the art would have readily recognized the desirability and advantages of including the address of an alert proxy with the location of the configuration file of Reichmeyer et al. This benefits the system by allowing aberrant events or alerts to be reported to the central server or alert proxy.

15.   Regarding claim 10, Reichmeyer et al. and Hunter et al teach all the limitations of claims 1, but do not specify that the configuration data is dynamically obtained from a remote alert proxy through a remote management and control protocol (RMCP).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of specifying that the configuration data is dynamically obtained from a remote alert proxy through a remote management and control protocol (RMCP). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use any industry standard messaging that would facilitate the necessary information exchange. One would have been motivated to do this in order to make the system operate on any of a number of standard networks employing any of a number of different communication protocols.

16.   Regarding claim 11, Reichmeyer et al. disclose a system for network device configuration comprising:

    a.   means for receiving by a proxy (referred to as an alert proxy), a configuration data request from a client device (column 4, lines 41-43)

b. means wherein the configuration data request is being submitted by the client device using at least one dynamically obtained management parameter (column 6, lines 7-13, column 4, lines 38-40); and

c. means for providing the requested configuration data to the client device to enable the client device to be automatically configured (column 4, lines 41-43).

Although the system disclosed by Reichmeyer et al. shows substantial features of the claimed invention, it fails to disclose:

a. means wherein the configuration data request is being submitted by the client device using at least one dynamically obtained alert detection parameter.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a server for client devices comprising:

a. means wherein the configuration data request is being submitted by the client device using at least one dynamically obtained alert detection parameter (column15, lines 11-14).

Given the teaching of Hunter et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Reichmeyer to include alert detection parameters with the standard network configuration. This benefits the system by allowing the configured device to begin detecting and sending alerts without further configuration.

17.   Regarding claim 12, Reichmeyer et al. teach all the limitations of the claim with the exception of specifying that the alert detection come from a second server.

A person having ordinary skill in the art would have readily recognized the desirability

and advantages of modifying Reichmeyer et al. (USPN 6,286,038) by employing two logically or

physically separated servers for the delivery of the parameter and the delivery of the

configuration file. This benefits the system by increasing reliability and efficiency of the system.

18.   Regarding claim 13, the systems disclosed by Reichmeyer et al. and Hunter et al. teach

all the limitations as specified above. Reichmeyer et al. further teach a system wherein the

second server operates according to a dynamic host control protocol (DHCP) (column 3, line 55

– column 4, line 30). The configuration information server is analogous to the second server of

the claim.

19.   Regarding claim 14, Reichmeyer et al. disclose a system for network device

configuration comprising:

   a.   means wherein the at least one dynamically obtained alert detection parameter

        includes a configuration file destination address (column 6, lines 7-13).

Although the system disclosed by Reichmeyer et al. shows substantial features of the

claimed invention, it fails to disclose:

   a.   means wherein the at least one dynamically obtained alert detection parameter

        includes at least one of a dynamically obtained alert destination address, watchdog

        interval and heartbeat interval.

Nonetheless, these features are well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al, as evidenced by Hunter et al.

In an analogous art, Hunter et al. disclose a system for monitoring alert notification to a

server for client devices comprising:

a. means wherein the at least one dynamically obtained alert detection parameter

includes at least one of a dynamically obtained alert destination address (column 11,

line 63- column 12, line 10), watchdog interval and heartbeat interval.

Given the teaching of Hunter et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. by including

the alert monitoring server address, or alert destination address, in the initial communication and

configuration. This benefits the system by allowing the configured device to begin detecting and

sending alerts without further configuration. Please note that any of a number of configuration

values could be included.

20.   Regarding claim 15, Reichmeyer et al. and Hunter et al. teach all the limitations of the

claim as specified above. Reichmeyer further teaches means wherein the dynamically obtained

alert destination address uniquely identifies the first server on the network (column 6, lines 7-13;

column 4, lines 38-43). Note that the 'first server' on the network is the one that houses

configuration information for the client.

21.   Regarding claim 16, Reichmeyer et al. and Hunter et al teach all the limitations of claim

11, but do not specify that the configuration data is provided to the client device through a

remote management and control protocol (RMCP).

A person having ordinary skill in the art would have readily recognized the desirability

and advantages of specifying that the configuration data is provided to the client device through

a remote management and control protocol (RMCP). At the time the invention was made, it

would have been obvious to a person of ordinary skill in the art to use any industry standard

messaging that would facilitate the necessary information exchange. This benefits the system by

allowing it to operate on any of a number of standard networks employing any of a number of

different communication protocols.

22.   Regarding claim 17, Reichmeyer et al. (as applied to claim 11) shows a system

substantially similar to the claimed invention but fails to show:

> a.   means wherein the providing the requested configuration data to the client device to
>
>   enable the client device to be automatically configured further comprises enabling the
>
>   client device to detect alerts.

In an analogous art, Hunter et al disclose configuration of newly integrated clients to

monitor and control connected network devices comprising:

> a.   means wherein the providing the requested configuration data to the client device to
>
>   enable the client device to be automatically configured further comprises enabling the
>
>   client device to detect alerts(column 11, line 63 – column 12, line 10).

Given the teaching of Hunter et al., a person of ordinary skill in the art would have

readily recognized the benefit of configuring the clients of Reichmeyer et al. to monitor and

report on events. This benefits the system by allowing aberrant events or alerts to be reported to

the central server or alert proxy.

23.   Claims 3, 4, 18, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reichmeyer et al. and Hunter et al. as applied to claims 1, 2, 5-17, 19, 20, 22, and 24-27

above, and further in view of Cromer et al.

24.   Regarding claims 3 and 23, although Reichmeyer et al. and Hunter et al. show substantial

features of the claimed invention (discussed above), they fail to disclose:

a. Means for enabling the device to detect alerts while the device is in a reduced

functional state

Nonetheless, these features are well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al. in view of Hunter et al. as evidenced

by Cromer et al.

In an analogous art, Cromer et al. teach a system comprising:

a. Means for enabling a client device to detect alerts while the device is in a reduced

functional state (column 3, lines 38-43).

Given the teaching of Cromer et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. in view of

Hunter et al. by employing this system to allow for monitoring of alerts while the client CPU is

down. This benefits the system by ensuring some level of alert detection while the client CPU

was unavailable.

25.   Regarding claims 4, 18, and 21, although Reichmeyer et al. and Hunter et al. show

substantial features of the claimed invention (discussed above), they fail to disclose:

a. Means for enabling the device to detect alerts while the device is in a reduced

functional state wherein the reduced functional state includes an operating system

unavailable state.

Nonetheless, these features are well known in the art and would have been an obvious

modification to the system disclosed by Reichmeyer et al. in view of Hunter et al. as evidenced

by Cromer et al.

In an analogous art, Cromer et al. teach a system comprising:

a. Means for enabling the device to detect alerts while the device is in a reduced

functional state wherein the reduced functional state includes an operating system

unavailable state (column 3, lines 38-43).

Given the teaching of Cromer et al., a person having ordinary skill in the art would have

readily recognized the desirability and advantages of modifying Reichmeyer et al. in view of

Hunter et al. by employing this system to allow for monitoring of alerts while the client CPU is

down. This powerless reduced functionality state encompasses operating system unavailable.

This benefits the system by ensuring some level of alert detection while the client CPU was

unavailable.

Conclusion

26.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing
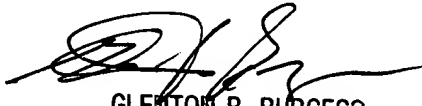
date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The

examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp

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